

OCT 31 2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MELVIN CORNNELL DODSON,
Petitioner,

v.

DEPT. OF CORRECTIONS,
Respondent.

Civil Action No. 7:08-cv-00566

MEMORANDUM OPINION

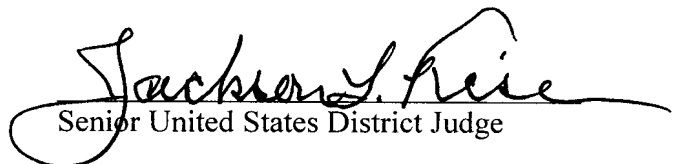
By: Jackson L. Kiser
Senior United States District Judge

Petitioner Melvin Cornnell Dodson, a Virginia inmate proceeding pro se, brings this action as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging his conviction in the Circuit Court of Henry County for possessing a firearm as a convicted felon. Dodson previously challenged this conviction in a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, which I dismissed on June 18, 2007, subsequent to respondent's motion to dismiss and petitioner's response thereto. See Dodson v. Johnson, Civil Action No. 7:07cv00008 (W.D. Va. June 18, 2007).

Under the provisions of the federal habeas statutes regarding subsequent or successive § 2254 petitions, the court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. See 28 U.S.C. § 2244(b). Because the petitioner has not submitted any evidence that he has obtained such certification by the Court of Appeals, the court will dismiss the petition without prejudice as successive.*

The Clerk is directed to send certified copies of this memorandum opinion and accompanying order to petitioner.

ENTER: This 31st day of October, 2008.


Senior United States District Judge

* A Fourth Circuit form and instructions for filing a request for certification to file a subsequent petition are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.